

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Toll Free Service Access Codes)	CC Docket No. 95-155
)	
Implementation of the Telecommunications)	CC Docket No. 96-115
Act of 1996: Telecommunications Carriers')	
Use of Customer Proprietary Information and)	
Other Customer Information)	
)	
Petition of 800 Response for Declaratory)	
Relief or Further Rulemaking)	

REPLY COMMENTS OF COMPETITIVE CARRIERS ASSOCIATION

Competitive Carriers Association (“CCA”)¹ submits these reply comments in response to the Public Notice² in the above-captioned proceedings, in which the Wireline Competition Bureau seeks comment on the Petition of 800 Response Information Services LLC (“800 Response”) for Emergency Declaratory Relief, or In the Alternative, Petition for Further Rulemaking (“Petition”).³ The Petition seeks a ruling that the Communications Act of 1934, as amended (the “Act”), does not permit wireless carriers to “block interconnection to their location platform for toll-free calls initiated on their networks, or to otherwise impose upon connecting carriers and providers of toll-free telephone service an obligation to obtain the consent of

¹ CCA is the leading association for competitive wireless providers and stakeholders across the United States. CCA’s membership includes nearly 100 competitive wireless providers ranging from small, rural carriers serving fewer than 5,000 subscribers to regional and national providers serving millions of customers. CCA also represents vendors and suppliers that seed the mobile communications ecosystem.

² *Wireline Competition Bureau Seeks Comment on Petition of 800 Response for Declaratory Relief or Further Rulemaking*, Public Notice, DA 18-1067 (rel. Oct. 18, 2018) (“Public Notice”).

³ Petition of 800 Response Information Services LLC for Emergency Declaratory Relief, or in the Alternative, Petition for Further Rulemaking, CC Docket No. 96-115 (filed Oct. 10, 2018).

customers to use their location for purposes of routing their calls to a toll-free number.”⁴ CCA agrees with CTIA that the requested relief is inconsistent with the Act, and would be contrary to the public interest. The Commission accordingly should deny the Petition.

800 Response provides toll-free services that use data from location-based service (“LBS”) providers. As the Petition recognizes, LBS providers obtain customer location data through commercial agreements with wireless carriers.⁵ The provision of such data may be subject, among other things, to the privacy protections of Section 222 of the Act.⁶ Telecommunications carriers will always connect customer calls to 800 numbers; Petitioner, however, is arguing that carriers should be required to provide customer location information without adequate limitations to further route the call to a store closest to the customer’s location. While CCA generally supports the accurate routing of calls to local businesses closest to the consumer, CCA’s members also remain committed to protecting the privacy of their customers’ data. If granted, the Petition would create a requirement that currently does not exist under the Communications Act and would hinder individual carriers’ ability to provide heightened privacy protections for their customers via commercial agreements.

As an initial matter, federal law does not require disclosure of wireless customer location information in the manner requested in the Petition, and none of the statutory provisions cited in the Petition support its grant. While the Act *permits* the sharing of certain location data, the Petition seeks to invoke the Act, and principally Section 251, to *require* carriers to supply such data. The statute contains no such obligation. Section 251 of the Act does not impose an

⁴ See, Petition at 1; *see also*, Public Notice at 1.

⁵ Petition at 4.

⁶ 47 U.S.C. § 222.

affirmative obligation on wireless carriers to share location information.⁷ As correctly noted by CTIA, “[n]either Section 251 nor the Commission’s rules implementing it mentions customer location information, and the Petition cites no precedent finding that Section 251 grants interconnecting carriers any rights to obtain customer location information.”⁸

In addition, because the Petition concedes that toll-free service providers use location information “after the initial routing to a select service provider,” and that location information is provided “through independent commercial agreements,”⁹ it is clear that the provision of customer location information is not a telecommunications service, rendering Section 202 of the Act inapplicable.¹⁰ CCA also agrees that Section 222 permits, but does not compel, the disclosure of location information to Petitioner.¹¹

Finally, the Commission should not adopt a policy that would effectively limit privacy protections that wireless providers may wish to establish for their customers. Petitioner argues that Section 222 does not require an originating or terminating carrier to obtain consent to share location data, but Petitioner does not identify any prohibition on a carrier choosing to require such consent via contract. Neither Congress nor the Commission has ever recognized such a cap on privacy protections. What’s more, wireless providers should continue to have sufficient flexibility to determine how best to protect the privacy of their customers consistent with the law, including through commercial agreements with third parties for location information.

⁷ *Id.* § 251.

⁸ Comments of CTIA, CC Docket No. 96-115 at 5 (filed Nov. 19, 2018) (“CTIA Comments”).

⁹ *See*, Petition at Attachment 1.

¹⁰ CTIA Comments at 5.

¹¹ *Id.* at 6.

CONCLUSION

Accordingly, for the reasons noted above, the Petition should be dismissed.

Respectfully submitted,

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